



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of

Ex Parte Dietrich et al

Serial No.: 09/626,946

Filed: July 27, 2000

Group Art Unit: 3624

Examiner: Akers, G.

For: METHOD FOR DETERMINING THE SET OF WINNING BIDS IN A
COMBINATORIAL AUCTION

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

RECEIVED

JAN 23 2004

PETITION UNDER 37 C.F.R. §1.181
TO REINSTATE APPEAL

GROUP 3600

Sir:

Appellants herein petition under 37 C.F.R. §1.181 for reinstatement of the appeal for the above-referenced Application, as authorized by 37 C.F.R. §1.193(b)(2)(ii).

The Office Action dated November 24, 2003, re-opened prosecution, as based on the Appeal Brief filed August 13, 2003.

Appellants have evaluated this new rejection and consider that, to one of ordinary skill in the art, the reference cited therein would be irrelevant to the present invention, as defined by the claims. Therefore, Appellants consider that re-opening the prosecution based on the rejection therein would not meaningfully advance prosecution and would only serve to continue to unduly delay the ultimate issue of the patent.

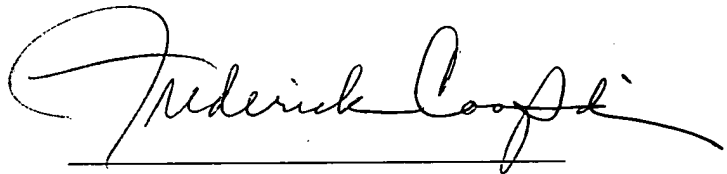
PETITION UNDER 37 C.F.R. §1.181
S/N: 09/626,946
ATTORNEY DOCKET: YOR920000474US1

Therefore, Appellants petition that the appeal be reinstated, as permitted by 37

C.F.R. §1.193(b)(2)(ii). A Supplemental Appeal Brief is submitted concurrent herewith.

Respectfully submitted,

Date: 1/20/04

A handwritten signature in black ink, appearing to read "Frederick Cooperrider", written over a horizontal line.

Frederick E. Cooperrider
Reg. No. 36, 769

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254